

Please type a plus sign (+) in the box → ☐

PTO/SB/17 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL

Not Effective November 10, 1997.

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$1060

METHOD OF PAYMENT (check one)

- ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
 

Deposit Account Number: 05-0840  
 Deposit Account Name: Eli Lilly and Company
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 

☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance
- ☐ Payment Enclosed:
 

☐ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	750	201	375	Utility filing fee	
106	330	206	165	Design filing fee	
107	520	207	260	Plant filing fee	
108	750	208	375	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. CLAIMS

Total Claims	Extr a	Fee from below	Fee Paid
Independent Claims	-20**	X 18	
Multiple Dependent Claims (first time)	-3**	X 84	
		X 280	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim
109	84	209	42	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## Complete if Known

Application Number	09/890,311
Filing Date	July 26, 2001
First Named Inventor	Briner, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	X-11594

## FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge-late filing fee or oath	
127	50	227	25	Surcharge-late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	410	216	205	Extension for reply within second month	
117	930	217	465	Extension for reply within third month	930
118	1,450	218	725	Extension for reply within fourth month	
128	1,970	228	985	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive-unavoidable	
141	1,300	241	650	Petition to revive-unintentional	
142	1,300	242	650	Utility issue fee (or, reissue)	
143	470	243	235	Design Issue Fee	
144	630	244	315	Plant Issue Fee	
122	130	122	130	Petitions to the Commissioner	130
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	750	246	375	Filing a submission after final rejection (37 CFR 1.129(a))	
149	750	249	375	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1060

## SUBMITTED BY

Typed or Printed Name: Robert Craig Tucker  
Signature: *Robert Craig Tucker*

## Complete (if applicable)

Reg. Number: 45,165  
Date: August 11, 2003

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

By: *YB Rhodes*

ELI LILLY AND COMPANY

Date: 8-11-03

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**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)

INTERNATIONAL APPLICATION NO

PCT/US00/01342

INTERNATIONAL FILING  
DATE

January 19, 2000  
(01.19.2000)

PRIORITY DATE CLAIMED

January 27, 1999 (01.27.1999)

TITLE OF INVENTION: AMINOALKYL BENZOFURANS AS SEROTONIN (5-HT(2C)) AGONISTS

APPLICANT(S) FOR DO/EO/US: Karin Briner, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

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17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. **\$1000.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but International Search Report prepared by the EPO or JPO ..... **\$860.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... **\$710.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... **\$690.00**

International preliminary examination fee paid to USPTO (37 CFR  
1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... **\$100.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 690.00**

Surcharge of **\$130.00** for furnishing the oath or declaration later than   20     30    
months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	8 - 20=	0	X \$18.00
Independent claims	5 - 3=	2	X \$80.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$270.00

**TOTAL OF ABOVE CALCULATIONS = \$ 850.00**

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity  
Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

**SUBTOTAL = \$ 850.00**

Processing fee of **\$130.00** for furnishing English translation later than   20     30    
months from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE = \$**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).

**\$40.00 per**

property +

**TOTAL FEES ENCLOSED = \$ 850.00**

Amount to be  
refunded \$

charged \$

a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 05-0840 in the amount of **\$ 850.00** to cover the above fees. A duplicate  
copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive  
(37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

**SEND ALL CORRESPONDENCE TO:**

ELI LILLY AND COMPANY  
PATENT DIVISION/RCT  
LILLY CORPORATE CENTER

SIGNATURE

R. Craig Tucker

NAME

Date

45,165

REGISTRATION NUMBER

(317) 433-9829

TELEPHONE NUMBER



## NATIONAL PHASE FILING INSTRUCTIONS

CASE NO.: X11594 ATTORNEY: RCT DATE: 14 JE2001

(actually reid - 11JE2001)

File in the Period: Critical Date: 27JL2001

Remarks: (To Agent)

OUS = Rea  
US = Kim

FILE ARTICLE 70(8) GATT TRIPS COUNTRIES YES ☒ NO

### COUNTRIES FOR PHASE II FILING

Algeria	Korea (South)	Eurasian Patent	<u>EPO</u>	
Australia	Mexico	Armenia	Albania*	Lithuania*
Brazil	New Zealand	Azerbaijan	Austria	<u>Luxembourg</u>
<u>Canada</u>	Norway	Belarus	Belgium	Macedonia*
China (PRC)	Poland	Kazakhstan	Cyprus	<u>Netherlands</u>
Croatia	Singapore	Kyrgyzstan	Denmark	<u>Portugal</u>
Czech Republic	Slovakia	Russian Federation	Finland	Romania*
(Hong Kong)	South Africa	Tajikistan	France	Slovenia*
Hungary	**Turkey	Turkmenistan	Germany	<u>Spain</u>
India	Ukraine		Greece	Sweden
Indonesia	<u>United States</u> - Kim		Ireland	<u>Switzerland</u>
Israel	Vietnam		Italy	*Turkey
<u>Japan</u>			Latvia*	United Kingdom

\* extension countries

\*\*Turkey must be filed as a National case on all PCT cases filed before 01 November 2000.  
All PCT cases filed after 01 Nov 2000 Turkey can be designated through EP.

Amended Claims Included

☒ Yes  
attached

☐ No

REMARKS: (To Support Staff)

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04/10/01

**DOCKET RECORD SHEET**  
(2 copies to Support Staff)

Support Staff Use Only  
Initials: HR  
Date Mailed: 7-26-01

Docket No. X-11594

US ☐ PCT/WO ☒

Docket No. of previous source for this case (B/P/X/G or None): P-11594

**Filing Data** (Click on fields to select from the drop-down lists for a combination other than Regular/Original/National. Note that the U.S. National stage entry for a PCT application is Regular/Original/PCT. See Quick Reference Guide for other choices):

CASE TYPE: Regular  
RELATION TYPE: Original  
FILING TYPE: P PCT

**Priority Data** (from the first filing anywhere in the world)

Docket No.	Country (2 letter code)	Serial No.	Filing Date (DD/MM/YYYY) (Use PC Master date-format)
P-11594	US	60/117385	27JA1999

20-Year Patent Term should start:

- ☐ N/A to this Provisional  
☒ With the filing of this case  
☐ From the filing date of \_\_\_\_\_ for  
Docket No.

**Outside Counsel Information:**

If handled by outside counsel, firm name:

Outside Counsel's Reference No.:

**Claim Types** (check applicable boxes)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> (A) Assay                  | <input type="checkbox"/> (G) Gene              | <input type="checkbox"/> (O) Organism            |
| <input checked="" type="checkbox"/> (C) Compound    | <input type="checkbox"/> (I) Intermediate      | <input type="checkbox"/> (P) Process             |
| <input type="checkbox"/> (D) Device                 | <input type="checkbox"/> (L) Library           | <input type="checkbox"/> (R) Art. of Manufacture |
| <input checked="" type="checkbox"/> (F) Formulation | <input checked="" type="checkbox"/> (M) Method | <input type="checkbox"/> (V) Vector              |

Inventors: (Use FULL First, FULL Middle and FULL Last Name)	Employed by:		
	Lilly	German Co.	N/A
Karin Briner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joseph Paul Burkhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timothy Paul Burkholder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matthew Joseph Fisher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Harlan Gritton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Daniel Timothy Kohlman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sidney Xi Liang	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shawn Christopher Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeffrey Thomas Mullaney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yao-Chang NMN Xu	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yanping Xu	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Licensing Information:** If licensed -

To:

From:

Agreement No(s):

Are we responsible for:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| Review for subsequent filings?         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Payment of annuities/maintenance fees? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Docket No. X-11594**Portfolio Information** (Select from approved list for your work group)

Portfolio: 5HT2c  
 Strategy Group: CNS - Central Nervous System  
 Platform:  
 Secondary Portfolio: (Click to select from drop-down list)

Orange Book: Should a patent issuing from this application be considered for submission into the Orange Book? ☐ Yes ☒ No ☐ Don't know

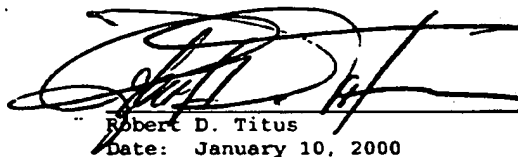
Subject: BENZOFURYLALKYLAMINES

Keywords:	
benzofurylalkylamines	serotonin
5-HT2c	Obesity
depression	

Compound No(s):			

**Other Remarks:****GPAC Review Data:**

- If a CIP case, does it claim or disclose new matter not present in the parent case for which it should go back to GPAC for consideration?  
☐ Yes ☒ No
- Short Summary of Invention (Additional information that may assist those reviewing the case):  
This application provides a series of novel benzofurylalkylamines which on 5-HT2c agonists that may useful for the management of obesity.
- Compounds: If this case relates to Project Team compound(s) or candidate(s), give compound number(s) of the most important compound(s) in the series:
- Commercial Significance: A compound in this series may be developed for the treatment of obesity.

  
 Robert D. Titus  
 Date: January 10, 2000

439024	439025	427709	427633	430895	426048	426350	426309	426349		
424293	424837	426912	438114	424593	427396	427395	430142	440940	424594	427645
427894	427646	430389	430275	430710	427785	418518	418965	433350	430945	430413
430424	430412	427083	433896	435227	435505	435509	436706	435506	435507	435508
436451	444225	440908	440912	450314	445082	446440	451496	446442	446441	450313
447982	450103	448320	452096	445982	444694	448020	447787	448042	448345	450102
445306	450934	444710	445138	450081	444715	448620	448349	447824	440923	448358
448346	444455	452016	484896	450932	452017	452018	454740	439021	162263	439022
439023	427694	433317	427695	427691	427693	438809	427066	427605	427692	430396
430240	430822	430200	433377	430284	427568	435445	435482	435481	435444	435483
415313	427380	450314								



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Karin Briner, et al.

International Application No.: PCT/US00/01342

Filed: January 19, 2000 (01/19/00)

Invention: AMINOALKYLBENZOFURANS AS SEROTONIN (5-HT(2C)) AGONISTS

Lilly Reference: X-11594

Earliest Priority Date: January 27, 1999 (01/27/99)

**Certificate Under 37 C.F.R. § 1.10**

Attention: DO/EO

Box PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir/Madam:

"Express Mail" mailing label number: EL230527975US

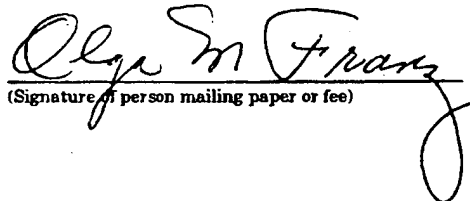
Date of Deposit: July 26, 2001

I hereby certify that the following attached paper or fee

Transmittal Letter to the United States Designated/Elected Office (US) concerning a filing under 35 U.S.C. 371 of the International Application identified above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Olga M. Franz

(Typed or printed name of person mailing paper)

  
(Signature of person mailing paper or fee)

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## **Entirety of electronic file wrapper for docket number**

X11594 US; corresponding to

U.S. Application No. 09/890,311; U.S. national filing of

PCT/US00/01342, Filed 19 January 2000.